

CORRECTIONS IMPACT STATEMENT

SESSION: 16RS

BILL #: HB 132

BR #: 891

DOC ID#:

BILL SPONSOR(S): Rep. G. Watkins **AMENDMENT SPONSOR(S):**

SUBJECT: AN ACT relating to booking photographs.

SUMMARY OF LEGISLATION: Create a new section of KRS 61.870 to 61.884 to prohibit a person from using a booking photograph for a commercial purpose if that photograph will be posted in a publication or on a Web site, and the removal of the booking photograph requires the payment of a fee or other consideration; amend KRS 61.870 to define "booking photograph".

This ☒ bill ☐ amendment ☐ committee substitute is expected to:

☒ Have the following Corrections impact ☐ Have no Corrections impact

- | | |
|--|--|
| <input checked="" type="checkbox"/> Creates new crime(s) | <input type="checkbox"/> Repeals existing crime(s) |
| <input type="checkbox"/> Increases penalty for existing crime(s) | <input type="checkbox"/> Decreases penalty for existing crime(s) |
| <input type="checkbox"/> Increases incarceration | <input type="checkbox"/> Decreases incarceration |
| <input type="checkbox"/> Reduces inmate/offender services | <input type="checkbox"/> Increases inmate/offender services |
| <input type="checkbox"/> Increases staff time or positions | <input type="checkbox"/> Reduces staff time or positions |
| <input type="checkbox"/> Changes elements of offense for existing crime(s) | |
| <input type="checkbox"/> Otherwise impacts incarceration (Explain) _____ | |

STATE IMPACT: Class A, B & C felonies are based on an average daily prison rate of \$61.09. Most Class D felons are housed in one of 78 full service jails for up to 5 years. DOC's cost to incarcerate a felony inmate in a jail is \$31.92 per day (includes jail per diem, medical & central office costs), not including substance abuse treatment. Projections are based on the daily rate x 365 x number of years.

Projected Impact: ☐ NONE ☒ MINIMAL ☐ MODERATE ☐ SIGNIFICANT

Potential Impact: Section 1 Creates a class D felony for failure to comply with the proposed legislation as it relates to the proposed prohibited use of booking photographs and the removal of booking photographs from publications or websites that require a fee or other consideration for removal of the photograph. The impact is expected to be minimal.

A Class D Felony sentence is 1 to 5 years.

10 Class D Felons cost \$118,660 to \$600,720.

1 Class D Felon costs Ky. \$11,866 to \$60,072.

100 Class D Felons cost \$1.2M to \$6M.

LOCAL IMPACT: Local governments are responsible for the cost of incarcerating individuals charged with Class A or B misdemeanors and felony defendants until disposition of the case. While the expense varies by jail, this estimated impact will be based on \$31.34 per day, which equals the per diem and medical that DOC pays jails to house felony offenders.

Section

Based on the \$31.34 per diem rate, the local impact is estimated as follows:

The following offices contributed to this Corrections Impact Statement:

☒ Dept. of Corrections ☐ Dept. of Kentucky State Police ☐ Administrative Office of the Courts ☐ Parole Board ☐ Other

NOTE: Consideration should be given to the cumulative impact of all bills that increase the felon population or that impose new obligations on state or local governments.

APPROVED BY:

Commissioner, Kentucky Department of Corrections

Date